

P R O C E E D I N G S

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THE COURT: All right. Ms. Shears, my name is Judge Flanagan and this is the time the Court has set aside to sentence you.

Have you had enough time to get ready for this day?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Have you read the presentence report?

THE DEFENDANT: Yes.

THE COURT: All right. You made materially false statements. I'm familiar with the offense conduct. I'm familiar with your background and your history. You've done very well in school and it really defies logic what you've gone and done here, lying to the FBI, given the opportunity to get your statement correct, you disclaimed that. I think there's a lot of mixed emotions swirling around and some mental health issues that are located in this case, and it's a sad day for you and for your family.

I'm familiar with your family background, your health. Your education is also noted. You've done very well in school, you've done very well in your extracurriculars, and you really have, aside from this event, a very promising future, and I think you still have a promising future, but you've got to pay your debt. I've got to fashion a sentence that discourages this type of conduct, that promotes respect

1 for the law, that protects the public. Our war against
2 terrorism is so significant to the protection of the public, so
3 draining of the money in our Federal coffers, so distracting to
4 those who would seek to contribute to society and live
5 productive and normal and non-fearful lives.

6 Now, the advice I receive under the sentencing
7 guidelines is a sentence of 96 months. Now, were it not for
8 the fact that you've been charged in the way you've been
9 charged, which means I can't sentence you to more than eight
10 years in prison, I would be telling you today, Ms. Shears, that
11 you face 151 to 188 months. Your behavior can be supervised
12 for up to three years. Under the guidelines you're not
13 eligible for probation, by statute you are, one to five years.
14 The fine could be as much as a quarter of a million dollars,
15 the guidelines suggest a range of between 15,000 to 150,000,
16 and there's a \$100 special assessment.

17 I've got your motion for a downward variance, kind of
18 walked the line as to whether it really needed to be sealed,
19 but in deference to your concerns I did allow the motion to
20 seal. There's a plea agreement here.

21 All right. Mr. Wilson, I'll invite your client to be
22 seated and I'll focus on what you have to say. What would you
23 like to say?

24 MR. WILSON: Thank you, Judge.

25 And again, in light of the initial discovery and

1 everything in the case being under a protective order, that was
2 part of my decision to seal the sentencing memorandum, but
3 thank you for that, and thank you for that consideration.

4 Judge, you hit on it, I think, in your initial
5 summary with Ms. Shears, or Keyona, as I call her. You know,
6 she's someone that has exhibited a life of nothing but success.
7 She showed up at my office today with a binder of her academic
8 achievement awards, from the Girl Scouts to honor roll to
9 continual Dean's list, for being an above average student.

10 She has worked. She has a personality, I think you
11 can probably glean from those character statements, that is one
12 of just a good heart, that is someone that is there for
13 someone.

14 I'd be remiss if I did not mention, Your Honor, in
15 the courtroom in the back is her mother, her maternal
16 grandmother, and then I believe cousins, one of which just got
17 off work and drove straight here from Raleigh, so we appreciate
18 them being here.

19 THE COURT: Well, thank goodness the family had the
20 good sense to turn down the suitor who came to them seeking her
21 hand in marriage.

22 MR. WILSON: And, Judge, that's the kind of family
23 they are, raised Southern Baptist, traditional, a strong
24 matriarch, and I think the crux of this case, or a large part
25 of it, is just a number of forces coming together at a very

1 vulnerable time in her life, and she fully -- at a time when
2 her identity was in question, she had just moved out of the
3 house, had gone from Wake Tech, where she had initially met
4 Mr. Brown, to University of Charlotte, North Carolina at
5 Charlotte, and literally within the first semester she's there
6 she converts to Islam.

7 I've learned a lot from Mr. Kellhofer on this case,
8 he has a lot more experience in these matters than me, but kind
9 of in conversing with him and my own reading, that conversion
10 I think particularly at that age isn't testing the waters, it
11 tends to be extreme, it tends -- the pendulum tends to swing
12 fast, and particularly with someone, I think, that is
13 academically successful and as many achievements as she's had,
14 she has lived somewhat of a sheltered and immature life and
15 lacks maturity, lack of maturity in this decision making
16 process and in some basis lack of maturity since.

17 Judge, I've gotten to know her now over about the
18 last 18 months in this case. She is just someone that I truly
19 believe this is an aberration in her life and she fully is
20 going to -- is paying for it and will pay for it in the future
21 and she acknowledges and respects that, Judge, but she -- and
22 it's taken a while, I think that's some of the Government's
23 reservation with her in this case, is to really understand what
24 this case is to her.

25 I say that because it was -- her relationship with

1 Mr. Brown in this case went through two phases. They initially
2 dated at Wake Tech in Raleigh in the same town and with a
3 normal, you know, human relationship, talking face-to-face,
4 talking on the phone. After she converts to Islam, after he
5 converts to Islam, and they reconnect, they never, even over
6 the course of the whole case and the offense conduct alleged in
7 the presentence report, had even a voice phone call, it is a
8 true virtual relationship in a virtual reality of idealism
9 I think they created with each other, that Keyona explored on
10 her own, aside from Mr. Brown, on the internet, in essentially
11 a dark double life of her own aspiration, but that she by her
12 own admission knew she was wrong, and she knew she was wrong
13 because she doesn't tell any of these folks, they had no idea
14 what was going on. They knew when this guy showed up at her
15 door that he was not the right man for her, but I don't think
16 they had a real clue as to what Keyona was really exploring.

17 I think, Judge, that speaks to two things. One,
18 Keyona herself knew it was wrong; and two, she has a support
19 network and a foundational family network that knows better and
20 that is going to help her going forward and be cognizant of
21 this.

22 I think one of the, I thought, really important
23 statements in the character statements submitted was by Sierra
24 Smith, her cousin, who now lives in Florida, but Sierra said:
25 We didn't know how to protect her. I definitely did not expect

1 people to take advantage of her innocence. I wish I could
2 protect her, because I know the type of person that she is and
3 that this is not something that she should be involved with,
4 but that we were not raised -- we were not Muslim, we didn't
5 know to be looking for this, particularly the extremism.

6 I think in her own mind, Judge, and I don't know
7 this, but in talking to her, you know, this pendulum swing to
8 extremism was really something out of a belief of, whether it
9 was misguided or not, her understanding of some of the
10 geopolitical situation in Syria at that time against
11 Bashar Assad. That, obviously, landscape is completely
12 different today than it was in 2013, but I do think that was
13 some of -- some of what her misguided mindset was.

14 Judge, we'd ask you to consider first a departure,
15 she has no criminal history, and we'd ask you to remove that
16 aspect of the guidelines, it doesn't help her tremendously, it
17 moves -- it would move her from being a Level VI criminal
18 history, as Section 3A1.4 recommends, that only takes her to 87
19 to 108 months, but that is something that I would ask you to
20 consider, to start there, start at 87 months, and for a
21 variance down to probation.

22 Judge, she has been on pretrial release, she
23 initially turned herself in in Charlotte, or was arrested in
24 Charlotte, released there on I think a personal recognizance
25 bond, moved back to Raleigh, back home, has been a model

1 pretrial release, pre-sentencing release supervisee. She's
2 formed relationships with all of the probation officers that
3 have dealt in her case, and I believe they -- and I've spoken
4 with them myself -- have tremendous confidence in her and her
5 ability to follow the terms and conditions that this Court
6 might impose, whatever they may be.

7 I do think mental health -- when I first got this
8 case I talked to Mr. Kellhofer about, you know, locating some
9 sort of psychologist or someone that had an expertise in
10 deradicalization or in dealing with that, and the one I found
11 was conflicted out dealing in other cases I think in this
12 district.

13 THE COURT: Who was that?

14 MR. WILSON: And obviously related to the scope --
15 I think it was the man actually working -- or formerly working
16 in Mr. Brown's case.

17 THE COURT: Okay.

18 MR. WILSON: And so, Judge, some of the -- I would
19 like to have that to present to you, but, you know, Keyona
20 wrote a statement that is attached to our sentencing memorandum
21 that I think the most important part of that statement is that
22 she through this process has deconstructed her understanding of
23 Islam and rebuilt it again. She did not shed it, but I will
24 tell Your Honor today is the first day that we have met, other
25 than Saturday when I met with her and her family, that she is

1 not wearing a head scarf, that I've see her full face, and that
2 was something I was going to recommend to her, frankly, but I
3 didn't need to, it was a decision she made to present herself
4 fully to the Court behind no -- no screen.

5 Judge, I know she wants to speak to the Court and I
6 ask that opportunity for her and encourage Your Honor to
7 question her, because I think she really wants to explain
8 herself.

9 THE COURT: All right. Thank you very much,
10 Mr. Wilson.

11 I'm sorry. Yes.

12 THE DEFENDANT: Firstly, Your Honor, I would like to
13 really take responsibility for what I've done. From the time
14 that FBI agents came to my home, I knew that I had to accept
15 responsibility, but I was immature enough to lie because I knew
16 the things that I had going on in my life at that time that if
17 I told the truth would impact -- I didn't live on my own, I
18 shared a home with someone else, so to me, by telling the truth
19 I would risk my roommate being homeless. I was in the last
20 year of school. I wanted to achieve a degree because I would
21 be the first in my family to do that. So those are the reasons
22 why I immaturely chose to lie.

23 When I got arrested in June, I knew from that day
24 there would be no trial, I would right my wrong by pleading
25 guilty, by complying if a plea agreement was given to me, and

1 it was.

2 I regret the lie that I made, not just for myself,
3 because I'm an American, I know right from wrong, I know what
4 my country stands for. I regret my mistake due to my family.
5 Not only has it impacted me, but it's also impacted my mother
6 and my grandmother who raised me to be much different.

7 I'm a very emotional person and it stems from
8 emotional problems. The biggest impact of this situation was
9 after my father passed away. For the 24 years that I've been
10 living, I've been striving to have the perfect relationship
11 with my dad and then he passed away. Avin was in my life at
12 that time. I tried my hardest to fill the void, and in those
13 three to six months, three months talking to Avin and in the
14 months prior to talking to him, I kept trying to fill that void
15 of my dad. Marriage was my only way, I thought, but I was
16 wrong.

17 Being on supervised provision has been my
18 rehabilitation, because each day I have to live my life facing
19 my family and seeing the disappointment in their eyes, working
20 with people who don't even know what's going on and see me as a
21 positive truthful person, knowing that I had a demon inside of
22 me during that time that I was talking to Avin, and it pains
23 me. It pains me because I know I'm not the person that I was,
24 and it pains me that that was the mistake that changed my life
25 for the worse, and it pains me to have my grandmother, who is

1 sick, that I'm taking care of, not even knowing what's going
2 on, and I already watch her grieve over my deceased dad and
3 she's trying to fill a void as well.

4 I just taking 100 percent responsibility for what I
5 did, and I know that I have to take responsibility because it's
6 the right thing to do. I'm very intelligent, there's no doubt
7 about that, but because I'm very emotional, it made me stupid,
8 stupid for three months plus, stupid to think that I could lie
9 to Government officials who know everything and get away with
10 it, but because I knew that I was stupid, I tried to make my
11 amends. I'm trying to make my amends, and I only see my way to
12 doing that by continuing to be out on probation, because by
13 working, I'm rehabilitating myself, I'm reeducating not only
14 myself about Islam but my peers.

15 I thought that in one year of being Muslim I knew
16 everything, and I don't. I thought, okay, I'm praying five
17 times a day, I'm going to the Mosque, okay, I can handle the
18 sociopolitical aspect of Islam. I was wrong. I wasn't being
19 Muslim for me, Your Honor, I was being Muslim for other people.
20 Other people were telling me what the right type of Muslim was,
21 and I failed, and I succumbed to that, and on this day and
22 since I've been arrested I've been trying to change myself, to
23 relearn Islam and find that peace that I thought I had found
24 way before I converted.

25 THE COURT: Okay. And from the Government,

1 Mr. Kellhofer?

2 MR. KELLHOFER: Yes, Your Honor.

3 Your Honor, I do have a few exhibits I'd like to
4 present to the Court, if I may approach.

5 THE COURT: Um-hum. Mr. Wilson, has he seen those?

6 MR. WILSON: I got these last night, yes, Your Honor.

7 MR. KELLHOFER: A few exhibits, Government 1 through
8 7, and I'm providing a copy of the originals as well as a
9 working copy for the Court.

10 Your Honor, I think those will briefly be of
11 assistance in giving the Court a full picture in this case.
12 And let me preface by saying, Your Honor, that often I think as
13 a prosecutor sentencing is somewhat of an easy endeavor, that
14 is the people have shown themselves to be very deserving of
15 what's about to happen. This has, in all honesty and candidly,
16 been a very difficult matter for the Government to consider how
17 to advise this Court based on the information we have and
18 what's occurred. And to be blunt, when this case came before
19 the Government, as you've seen through the PSR, it was not
20 happenstance, but as a result of the investigation into
21 Avin Brown. Avin Brown made the statement to one of our
22 sources that he had a fiancée who additionally supported jihad,
23 and that's where then this investigation sort of branched into
24 that.

25 Upon first viewing the information that came to us,

1 this was an instance of where, at least from the prosecutor's
2 view and I believe the entire investigation, it was a true hope
3 that Miss Shears was not involved, that Miss Shears -- that
4 Avin Brown was just speaking out of turn or exaggerating,
5 because this is somewhat of an instance of almost feeling like
6 one of the good guys went to the bad side. This was an
7 individual at college who was a leader within the Muslim area,
8 although young and although new to the faith, and those are
9 important in this day and age, and it turned out that
10 unfortunately Ms. Shears had jumped wholeheartedly into the
11 extremist ideology.

12 The facts that I think are somewhat important to
13 bring out for your consideration and to flesh out a little bit
14 of the PSR, the prosecution -- or Government Exhibit 1,
15 Your Honor, is simply an e-mail that is an attachment and it's
16 a publication of the role of women in fighting the enemies, and
17 that's what was passed from Avin Brown to Miss Shears in
18 December of 2013, and it's just emblematic of -- when there's
19 statements like "we discussed these things," this is what it
20 was, this is what the investigation showed, that this is what
21 they were discussing, the appropriateness of engaging in this
22 violence and the appropriateness of females in particular as
23 well. That obviously had us very disturbed, and I agree very
24 much with 99 percent of what was just said, to be honest;
25 however, it's just not the whole picture, and I think looking

1 at Mr. Brown or having the perception of Mr. Brown as being
2 this sole influencing factor just is not entirely accurate.

3 Exhibit 2 is essentially when they broke up, if you
4 will, Miss Shears and Mr. Brown, and that was in January of
5 2014, and her letter to him states, Your Honor, that, yes,
6 she's looking to potentially go a different route because she
7 wants to complete school and she's fearful of going to Syria at
8 the moment and she struggles with that because she loves him.
9 She goes on to say: "Because I love you for Allah's sake, I
10 want you to worry less about me and more about achieving
11 martyrdom. Bro, you have the opportunity to answer the call of
12 Allah, to achieve true brotherhood, to defend the Ummah of
13 Muhammad, and at the end of it all, to die for the sake of
14 Allah. That's more beloved than being married and having a
15 child." So there was constant encouragement from her to him.

16 One of the benefits of this plea agreement,
17 Your Honor, is that we're not bringing additional charges.
18 I firmly believe that the Government could have charged
19 Miss Shears in the conspiracy that involved Avin Brown and
20 Mr. Jordan. This is a letter that occurred in January of 2014,
21 and there's a host of other text communications between them.

22 Additionally, limiting it solely to Mr. Brown is not
23 entirely accurate. The Prosecution's Exhibits 3, 4, 5 and 6
24 are emblematic of what she was posting on Instagram, albeit
25 through what she assumed would be an anonymous moniker, but

1 this was not to Avin Brown, this was to the public in general,
2 and you can see there's comments, and as Your Honor is familiar
3 with these types of social networks, that's the entire purpose,
4 it's propaganda multiplying propaganda, and I do believe that
5 a lot of that propaganda did target someone like Miss Shears,
6 and it was effective, and then she became within that cycle
7 putting it out, and this just didn't involve only Mr. Brown.
8 As you can see in Government Exhibit 4: "As a group of women
9 we got together and decided to support our mujahideen brothers
10 at the front lines." That's the discussions between her and
11 him, moving into her presenting it to others.

12 Additionally, limiting this solely to -- or leaving
13 any impression that -- I'm not saying it was intentionally
14 done, but I do think that the emotion and the letter of
15 acceptance of responsibility does leave a little bit of a
16 misimpression that this was solely I had a problem with
17 Bashar al-Assad and the atrocities there. That's not what this
18 is. This is a much bigger movement. And perhaps there was a
19 failure to fully recognize what all that movement entailed, but
20 this was not solely a view of Syria. In fact, in regard to our
21 ability to have charged her with the conspiracy, she did
22 provide money to the individual that was -- the source online
23 that was communicating with Avin Brown.

24 When she communicated with these individuals, she
25 believed they were in Yemen and they were members of Al-Qaeda

1 in the Arabian peninsula, AQAP, not in Syria fighting
2 Bashar al-Assad. So the depth of what she jumped into was
3 a little broader than I think just the way it came out through
4 the presentation of what was filed by the defense; again, not
5 necessarily intentionally, but again, my effort is to provide
6 Your Honor with a little more context into why the
7 Government -- and why I think we're in a situation where
8 admittedly this is a 1001 offense, and 1001 offenses often are,
9 well, hey, you just lied to the FBI. Well, it's a little
10 bigger in context here and it was highly material.

11 In this instance -- and I would note those Instagram
12 photos and things, those are up through into February. It's my
13 belief that her being confronted and questioned in March, and
14 I think the evidence supports that, is what stopped her
15 trajectory. It was not an internal stop. I think very
16 fortunately she was questioned. But on that very day -- well,
17 first of all, two things: One, in January Avin Brown had
18 texted her and told her, I plan to leave in March, try to get
19 into Syria; and she said, well, when you do, let me know,
20 you know, I'll help you make it. Then on March -- naturally on
21 the day he was leaving, he texted and told her, I'm leaving,
22 and if you don't hear from me in six days it means they got me,
23 I've been arrested. She responds with "you're in my prayers."

24 I feel like the Government here has made every effort
25 to address exactly what it is Miss Shears did and even in its

1 charging understand both her age and the factors that existed
2 in her life, but I will say one of the things that has been of
3 most concern to me, because I feel like throughout this process
4 the Government has made an effort to give her the benefit of
5 the doubt and I wanted to give her the benefit of the doubt,
6 and I think one of the reasons I stand here saying this is hard
7 is because it's an instance where the benefit of the doubt has
8 been withdrawn due to her own actions, and that's just such a
9 shame.

10 In November of -- she was arrested in June, and then
11 in November, months later, after all of this, in an effort --
12 now, she had signed a plea agreement, and I believe she made
13 efforts, she signed an information and things moved forward and
14 arraignment was put off for quite some time; however, it came
15 to our attention that she had during that time sent what is
16 Government Exhibit 7, and rather than notifying the FBI that,
17 hey, I saw somebody online doing essentially or having the
18 ideology and the thoughts that I had months ago, rather than
19 providing that to the Government and saying, hey, here is this,
20 knowing it could help her, and obviously knowing the situation
21 she's in, she sends an e-mail that says there's fake Muslims
22 seeking to bring down sincere Muslims. So I find it very
23 disconcerting that she felt that that was a sincere Muslim.
24 And then additionally she tells him to keep a low profile if
25 his goal is to be a mujahideen, to keep it to himself, and at

1 the end may Allah protect you and grant you that which you
2 seek.

3 To be candid, Your Honor, I'm not going to say that
4 this is an individual who is not -- has not recognized the
5 flaws in the ideology that she had jumped into, I think she
6 has, but this highly concerns me, and I think a portion of this
7 was she's an altruistic person, I think a part of this,
8 honestly, was she was just trying to keep somebody else from
9 getting in trouble, but it is such a failure to appreciate both
10 what she's done and how she's going to operate moving forward.

11 All of that being said, Your Honor, the Government
12 does oppose a variance; however, I will say if Your Honor is
13 considering a variance, I understand why, but the Government
14 maintains that given the crime here, the full context, that a
15 period -- a substantial period of confinement is appropriate.

16 THE COURT: So you oppose, first, the motion for
17 downward departure?

18 MR. KELLHOFER: I do, Your Honor.

19 THE COURT: And oppose the motion for variance?

20 MR. KELLHOFER: Yes, Your Honor, but I will say that
21 if the Government -- if Your Honor is considering a downward
22 variance, I fully disagree with probation, and --

23 THE COURT: Well, there's a lot between the two.

24 So you believe a sentence of 96 months accomplishes
25 the purposes of sentencing?

1 MR. KELLHOFER: I think that the defense's
2 recognition of -- I believe it was 87 months, if the --

3 THE COURT: Yes. You're right. If successful in his
4 motion for a downward departure and the Court drops the
5 Criminal History Category to a I, the advice I would receive
6 under the sentencing guidelines is 87 to 108 months.

7 MR. KELLHOFER: Yes, Your Honor. If the Court were
8 to accept that line of argument, then in that instance the
9 Government would state that 87 months is an appropriate
10 sentence, Your Honor.

11 THE COURT: Okay. All right.

12 Did you want to respond briefly?

13 MR. WILSON: Judge, just a few things I failed in my
14 first kind of recitation on her behalf and then I can respond.

15 She is currently -- and I mentioned this in the
16 sentencing memorandum, she's the primary caregiver for her
17 paternal grandmother, who has essentially gone to Hospice care
18 for COPD and other issues, and Probation is aware of that,
19 she's moved from living with her mother and maternal
20 grandmother to provide that care and is doing so.

21 So, Judge, in light of that, I would ask any active
22 sentence Your Honor considers, that she would be given the
23 opportunity to self-report to wind that down appropriately and
24 I think transfer power of attorney and do some things in that
25 regard.

1 Judge, one thing that Miss Shears spoke of during her
2 allocution to the Court is -- and I think it's stark in this
3 case, and Mr. Kellhofer hit on it as well, I don't know if she
4 knew -- she didn't know, I think it's clear, all the
5 ramifications of what this posting meant, what the ideology
6 meant, what it meant over there, what -- the issues of Syria
7 versus the issues of Yemen. She -- and I hope, because I tried
8 to not specifically imply that Mr. Brown singly led her down
9 this road, I mean she converted to Islam first, she I think was
10 the far more academic -- had a far more academic understanding
11 of it, and they conversed openly about it, so to the extent
12 that it was perceived I misled the Court, I did not intend to.

13 But, Judge, her father died on October 3rd. I think
14 Avin starts to ask her to -- saying he has a contact that would
15 like her to send money both to the widows and the children in
16 Syria but also the fighters, and she does that, and then on
17 October 3rd her father dies. On October 4th is when really the
18 chain of e-mails and communications with the then undercover
19 source, you know, I think sheds some light into her, that
20 she's, you know, found this one man, he's going to give --
21 you know, Mr. Brown is going to take her to the afterlife by
22 being martyred. Her father is dead and she has no male anchor
23 and just real loss of identity that I think was already in
24 place, but it really spiraled out at that point, and I think
25 it's stark that that occurs really smack dab in the preliminary

1 conduct that led to that March 19th, 2014 date when she lied to
2 the FBI.

3 Judge, as to the November, 2014 e-mail, when, to be
4 perfectly frank, we met with the FBI and I was presented that,
5 my heart absolutely sunk. At that point we had tried to do
6 everything we could do to line up cooperation, admittedly it
7 had started the month before and Keyona was bombarded with a
8 number of obligations and setting up certain things that she
9 readily wanted to do and we committed to do as part of her --
10 part of the plea agreement and our obligations thereunder, and,
11 Judge, I've talked to Keyona about it, her explanation, which
12 I think I believe, but I think she struggles with it too
13 because it was at a time where she -- I think her rationale in
14 her head, whether it was being altruistic and just trying to
15 protect someone or her true rationale in her head as she's
16 articulated it to me was simply, you know, I got this, I was
17 setting up all these, you know, faux personalities on these
18 various forms of social media and I got this and I wanted to
19 start building my rapport.

20 Again, you know, that being said, when I was handed
21 that, my heart sunk for her, but I would ask you, Judge, if but
22 for that you would consider -- you know, but for that you would
23 have considered some probationary sentence, then I would ask in
24 light of that that you not go to the extreme end of, you know,
25 eight years, seven years, five years. I mean, this is someone

1 that has not spent a day in custody, someone that knows nothing
2 but work, school, family, and would like to get back to that,
3 and I think an extensive amount of probation -- I thought the
4 max was five years, maybe it's three, but --

5 THE COURT: Well, the probation officer has written
6 three. Is that a mistake? Is it five years?

7 MR. HARDISON: Probation is one to five.

8 THE COURT: I'm sorry. Were we talking about
9 supervised release or --

10 MR. WILSON: Probation.

11 THE COURT: Probation is one to five years, yes.

12 MR. WILSON: Then I might have misread, but I mean
13 that, on what she has been through, that she will be a felon
14 for the rest of her life, that she will never travel overseas
15 probably for the rest of her life, that she will not do a lot
16 of things that someone otherwise in her situation would do,
17 travel abroad, see the world, fill what is already a wonderful
18 and full mind and thoughtful mind with new experiences,
19 you know, she is going to be limited, and I think probation
20 could include continual mental health treatment and
21 continued -- to the extent we could find it, Mr. Hardison, but
22 some sort of deradicalization program to monitor her. I mean
23 that I think is going to be real value to both our country, to
24 her sentence, to her, and still respects the tenets of 3553(a)
25 and the four purposes of punishment and sentencing.

1 Judge, you know, I don't, to be frank, envy the seat
2 you're in, because I think it is -- it is a very tough case.

3 THE COURT: Yeah, it is. I see somebody who has
4 lived a sheltered, constrained life full of familial
5 obligations, who has this keen desire for approval and
6 validation, which is okay if it drives you to do well in
7 school, bring good grades home to your parents, which she did,
8 to want to be the leader of the clubs, to want to present
9 yourself as the face of your school and act as, you know, a
10 contact for interested persons, those are all good things, but
11 what is clear to me is this mental part of her, this part of
12 her personality that's just driven to seek approval and
13 validation, when she got away from home into a new lifestyle
14 really got unleashed such that she felt in her conversion that
15 she could establish herself as a leader and gain the approval
16 and validation of people she perceived as very concerned about
17 current affairs, very understanding of what was right and what
18 was wrong, and she kept walking further into that dark world.

19 She's young, she's impressionable, she's looking for
20 something, she's trying to establish herself, she wants to be
21 seen as someone knowledgeable, and what frightens me the most
22 is how much everything I've said really applies to people, so
23 many of our youth, and that's the frightening thing about this
24 case.

25 I don't think you're unusual. I think many kids have

1 sheltered lives who really covet the approval of their parents
2 and their grandparents, who are looking to establish themselves
3 and who fall into this abyss thinking that they can suddenly be
4 seen as a savior, and a lot of people go into very legitimate
5 nonprofits and very recognized political causes, and just so
6 many people, so many young people are going into this,
7 you know, violent jihad movement and getting they think
8 something from sending through PayPal money and leading others
9 down this path. You're just so lucky you got caught, because
10 I think you'd be out there now, that's very very frightening,
11 with your proclivities, you would be on your way.

12 Now, you can turn it all around, and you're doing
13 things to do that now, and you've got family behind you that
14 supports you and you've got a great brain and I've got to say
15 that's not always the case standing where you're standing, that
16 I get the opportunity to say that and to recognize someone's
17 accomplishments the way I can recognize yours and to say what a
18 promising future you have, which you do, but let a message be
19 sent, let a message be sent in this case to others like you and
20 let you when you get out of prison, because you are going to
21 serve a term in prison, let you be somebody that helps others
22 the way you profess to want to not do this. You could be a
23 very powerful voice for that. You really could help a lot of
24 people, because I don't see -- I don't see what's going on
25 overseas ending any time soon, sadly, I don't think anybody

1 does.

2 So let me read about you in the papers, let me do
3 that, let me recognize that this really was a turning point and
4 see the evidence of it in the future. Let everyone who is
5 gathered here see that. Live that kind of life, where you
6 contribute productively in so many ways, a piece of which might
7 be discouraging other young Keyonas and other young women and
8 men. I think you probably had some influence on Mr. Brown too.
9 I mean, I don't buy that you got led down that road. I think
10 you said some things to him and to others that helped to fuel
11 those fires.

12 Now, I don't think you're a Level VI. You're a
13 Level I. That motion for a downward departure is granted.
14 A Level VI substantially over-represents your likelihood of
15 committing further crimes, and as dangerous as this was, it
16 over-represents your dangerous.

17 So I now have advice that you should be sentenced
18 between 87 to 108 months, and I don't think that accomplishes
19 the purposes of sentencing, nor do I think a probationary
20 sentence accomplishes the purposes of sentencing.

21 As I've said, we've got to discourage this type of
22 conduct, we've got to protect the public, we've got to promote
23 respect for the law, and when the FBI knocks on someone's door
24 now is not the time to think you're smarter than them, now is
25 not the time to think you have to lie to keep your lease

1 intact, it's the time to be frank and forthcoming.

2 I don't know what to make of Exhibit Number 7. It
3 fits into that personality profile that's been developed in the
4 record of you, again, wanting to express yourself as someone
5 with something valuable to say, a pearl of wisdom. Whether you
6 were trying to kind of lay the groundwork for future work with
7 the Government, I don't know, I'm not going to -- I'm not going
8 to focus too much on that, but as I said, you have to go behind
9 bars, that's only fitting for what you've done, but I take into
10 consideration your history, your characteristics, as well as
11 the nature of the offense, I take into consideration all the
12 other factors, and I believe a sentence of 18 months
13 accomplishes the purposes of sentencing in this case.
14 I believe that's a sentence that's sufficient but not greater
15 than necessary. That's also a variance. So you've gotten a
16 downward departure and you've gotten a variance and you've
17 gotten a lot of favorable treatment in the way you were
18 charged, I think.

19 Think about how lucky you are and how much you can
20 accomplish. Do what you're supposed to do in prison. You can
21 take close to three months off the sentence yourself, all told,
22 by doing that.

23 I think you can self-report. I'm going to give you
24 the ability to do that. I'm going to give you a chance -- now,
25 you should have already done it and gotten somebody else to be

1 the power of attorney for your grandmother, and maybe you
2 already have, but I feel like you've got 45 days worth of
3 personal affairs to close down, get your business affairs in
4 order, make some plans for getting -- for what you're going to
5 do and how you're going to go forward when you get out of
6 prison.

7 I'm ordering that you not report sooner than 45 days.
8 Now, the downside of that is you're going to have to pay to get
9 wherever the Bureau of Prisons says to come. The closest
10 women's prison is probably West Virginia, but I don't know
11 where they're going to send you. Does that raise an issue for
12 you?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Okay. Now, you're going to be on
15 supervised release for five years, and pursuant to the
16 plea agreement Count 2 is now dismissed. Within three days of
17 getting out of prison you're going to report to your probation
18 officer. If you break any law, possess a weapon or drugs
19 illegally while you're under supervised release, you'll be in
20 violation of the Court's judgment.

21 Now, sometimes I hear very good things about people
22 and I cut their supervised release terms down. Let you be one
23 of those people, okay? I don't think it's going to happen
24 early on though, you've got to prove yourself, and you do need
25 mental health treatment. I'm recommending you for mental

1 health treatment in the Bureau of Prisons and I'm
2 recommending -- I'm requiring you to get mental health
3 treatment when you get out.

4 Now, I think some community service is going to be
5 appropriate, and I hope you'll think with your probation
6 officer about where to put your efforts and I hope you'll
7 choose wisely, I know your probation officer will help you, but
8 you've got to do 100 hours of community service while you're
9 out. You'll cooperate in the collection of DNA, you'll provide
10 a urinalysis test within 15 days of getting out of prison and
11 at least two tests thereafter and a \$100 special assessment.
12 I'm not going to impose a fine. You don't have the ability to
13 pay a fine.

14 What do you want to do to make a living when you get
15 out of prison?

16 THE DEFENDANT: I have my degree in public relations.
17 Being that I am a felon, I know that I must create my own
18 business.

19 THE COURT: Well, no, I'm not going to say that. I'm
20 not going to agree with you. I think you need to be careful.
21 I quite often hear felons telling me they're going to create
22 their own business when they get out of prison, and I think, do
23 you have a business plan, do you understand the overhead, the
24 requirements that you maintain this, that and the other types
25 of insurance, handle your taxes. You really probably need to

1 think about working for somebody else. Don't think you know it
2 all. You don't. Learn from somebody else. Put yourself in an
3 organization would be my strong recommendation.

4 Yes, you've made a mistake, you've made a really big
5 one. Can you put it behind you? Yes, you can. And your
6 probation officer will be a lot of help to you, okay? You can
7 do it, all right? And I really hope you can. You've got a lot
8 of talents, and unfortunately -- well, I think I've said
9 enough.

10 Anything else, Mr. Wilson?

11 MR. WILSON: No, Your Honor, but just in light of
12 what you were just saying, I was reading last night, kind of
13 thinking about today, about a new term I had learned that I
14 thought Your Honor might like, but it's post-traumatic success,
15 about what happens after a situation like this with people like
16 Keyona who go on to do great things, and I think she is someone
17 that will fit into that category.

18 THE COURT: Well, those are very nice words for her
19 to hear, I hadn't heard that term, but choose your friends
20 wisely, keep company carefully, that's going to be important.

21 Mr. Wilson, will you come forward and get the order
22 of self-surrender.

23 Mr. Kellhofer, anything further from the Government?

24 MR. KELLHOFER: No, Your Honor, just thank you for
25 your considered judgment.

1 THE COURT: Well, thank you for your efforts in this
2 case and for law enforcement's efforts.

3 Again, I think you're really fortunate.

4 Mr. Hardison?

5 MR. HARDISON: May I address one thing?

6 THE COURT: Yes.

7 MR. HARDISON: Your Honor, I believe there was a
8 typographical error on page 3 of our recommendation. The
9 maximum available supervised release available was three years
10 and not five.

11 THE COURT: Oh, okay. All right. Well, she gets the
12 benefit of that. Three years. Thanks.

13 MR. HARDISON: Okay.

14 MR. WILSON: If I can approach, Your Honor.

15 THE COURT: As your counsel approaches, I'll tell you
16 you have the right to appeal the conviction and the sentence.
17 You did enter into a plea agreement that has waivers in it of
18 your rights to appeal and these waivers are generally
19 enforceable, but if you believe they're not, you can present
20 your theory to the Court above, but you do need to move
21 quickly. And the Government also has a right to appeal.
22 In your case you've got 14 days from the date the judgment goes
23 on the docket. If you can't afford the costs of an appeal you
24 can apply for permission to appeal for free, and if you
25 request, the Clerk will fill out the appeal paperwork for you.

1 All right. I'm going to also add a condition of
2 supervised release that the defendant provide after one year
3 kind of a self-assessment to the probation office after
4 one year of supervised release, kind of where she is in her
5 life, what she's learned, what she still needs to work on and
6 where she's headed, and I would like the probation office to
7 send that to me. I'd like to read that as well. All right?

8 We'll stand in recess.

9 - - - - -

10 (Proceedings concluded at 11:46 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript of proceedings taken in a sentencing hearing in the United States District Court is a true and accurate transcript of the proceedings taken by me in machine shorthand and transcribed by computer under my supervision, this the 13th day of January, 2016.

/S/ DAVID J. COLLIER

DAVID J. COLLIER
OFFICIAL COURT REPORTER